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**Unto His Grace,
His Majesties High Commissioner,
and the Right Honourable the
Peers of Parliament.**

**The Petition of *John Hamiltoun*
of *Kinkell***

Humbly sheweth,

THAT whereas I having given in a Petition the other day, Representing, That by the claim of Right it is provided, That all Forfeitures, Fines, Pursuits, Persecutions, and Rigorous Executions, in the time of the late Reigns be considered, and the Parties loised be redressed, and that I was a great Sufferer in the late Times; My Estate by Rigorous Exactions being absolutely Ruined, and that I had several Rights belonging to me; Which I was in hazard to loose by Prescription, albeit for many years I was not *Valens Agere*: and therefore craving, That your Grace and Lordships, may consider my Losses and Sufferings, and fall upon some way how I might be effectually repaired, And that the thirteen years I lay under these Rigorous Executions, and Distress might be deduced from the years of Prescription; which Petition your Grace and Lordships appointed to ly upon the Table, because I did not condescend in my Petition, upon the Rights that are alleadged to be prescribed. And now for the Parliaments clearing what is the Right alleadged to be prescribed, as to which I crave the saids years to be deduced, I condescend that it was a discharge, and a Renunciation granted be *John Hamiltoun* of *Kinkell* my Brother of an woodset of 11200 Merks upon the Lands of *Kenaldie*, which my said Brother granted on Death-bed in favours of *Sohn Aytoun* of *Kenaldie*, and that without any onerous cause; Which Discharge and Renunciation was granted in the year 1644, and I having intented a Reduction thereof upon the head of Death-bed in *June* 1694, upon which, the Lords having given a Commission for examining of witnesses; The reason of Death-bed is clearly proven; So that undoubtedly the said Discharge and Renunciation will reduce, and the Defender can have no Defence, except that he pretends prescription, and there being about 50 years or thereby, betwixt the granting of the said Renunciation, and my raising a Reduction, of which 50 years, there is to be deduced the time from the first of *November* 1688, to the 15 of *October* 1689 by the late Act of Parliament in the year 1690, which will be near a year, and the eight year or thereby, more should be deduced upon the account of my Minority, so that I will want about a year or thereby to bring my action of Reduction within the years of prescription, I having been Born in the year 1631; But because it will not be possible to get an extract of my Baptism, the Session Books of the Kirk of *Duninno*, being burnt when the Readers house there was burned; And it will be most difficult to get Witnesses to prove my age, after so long a time. It is just and reason.

reasonable; That seeing by the Act of Parliament anent the Fines and Forfeitures, persons that had suffered in the late times by Forfeitures, depouderations, or otherwise, shall not be prejudged by shorter prescriptions; I should have the benefit of the said Act extended to me; seeing I was denounced and intercommunicated in the year 1675, for Church irregularities, & others mentioned in the said Act, And did ly under the famen, untill the happy Revolution, for the space of 13 years during which time; Likewise, I was three years under an Indictment of Treason, and eighteen Moneths in prison; As also, during that time, there being a Garison put into my house, who did detain all my Writes and Papers, And after the Garison went out of my house, my Writes were all scattered here and there; And it was a long time before I got them together, and so soon as I got them I intented the Reduction, by which it is evident, that for the said thirteen years I was not *valens agere*; But lest the Lords of Session should make any scruple, as to the deducing of these years, it is proper to the High Court of Parliament to clear the famen.

It is therefore humbly craved, That your Grace, and Honourable House of Parliament, may be pleased to take the Premises to your Consideration; And subduce these thirteen years, from the years of Prescription of the foresaid Right, Especially seeing, that during that time I was intercommunicated, no Lawyer would Advise with me, Nor durst any Writer to the Signet raise a Summons at my instance, that I might interrupt the Prescription; As also, to be graciously pleased to fall upon some effectuall way, that I may be Repaired of my great Loses. And Your Petitioner shall ever pray, &c.

